IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2630 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE C.K.THAKKAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

BHABHAR TALUKA BIJ UTPATHAK AND VACHAN (SALES) KARNARI
Versus
STATE OF GUJARAT

Appearance:
MR BHARAT T RAO for Petitioner
MR BN PATEL for Respondent No. 3

CORAM : MR.JUSTICE C.K.THAKKAR

Date of decision: 07/03/2000

ORAL JUDGEMENT

This petition is filed by the petitioner for an appropriate writ, direction or order in terms of par 15 of the petition. Para 15 reads as under :

"15.The petitioner society therefore prays that:

(A) Your lordships be pleased to issue a writ of mandamus or any other appropriate order or directions which the Honourable court may deem fit by directing to initiate the proceedings against the respondent No.3 by which the respondent No.3 society shall ask to close down its activity in the newly created Bhabhar taluka for which registration has been given to the petitioner society by second respondent.

(B) Pending admission hearing and final disposal of this petition, the Honourable court be pleased to restrain the respondent No.3 society for carry out its business activity in Bhabhar taluka for which registration has been granted to the petitioner society by the second respondent.

(C) Pass such and further order as the Honourable court may deem fit."

The learned advocate for the petitioner states that the petitioner will file an appeal against the order / communication dated June 16, 1999, Annexure `I' to the affidavit in reply filed on behalf of respondent No.1. He states that in the earlier proceedings , a decision was taken by the Government in Revision No. 143 of 1998 which was decided by the Registrar (Appeals), Gandhinagar between the same parties on August 13, 1999. He submitted that in view of the above order, proceedings can be said to be finalised and thereafter, it was not open to the Registrar, Cooperative Societies, Banaskantha , Palanpur to pass any order or send communication dated June 16, 1999. He submitted that such order is without jurisdiction and contrary to the order passed by the Government in revision under Section 155 of the Gujarat Cooperative Societies Act, 1961.

in view of the fact that after an order was passed by the District Registrar, B.K., Palanpur, immediately the petitioner has approached this Court, it is directed that if an appeal is filed within a period of one month from today, the appellate authority will entertain the same without raising any objection as to limitation. I am not observing anything on merits of the matter and as and when proceedings will be taken, the appropriate authority will decide the same in accordance with law without being

influenced in any manner by the observations made by me hereinabove. If such appeal is filed within one month, the appellate authority will decide the same as expeditiously as possible, within two months thereafter. Petition is accordingly disposed of. Notice discharged. No order as to costs.

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parekh